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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,524	09/19/2000	Jean-Francois Le Pennec	909.0029USU	5842
7590	08/06/2004		EXAMINER	VAUGHAN, MICHAEL R
Harry F Smith Esq Ohlandt Greeley Ruggiero & Perle LLP One Landmark Square 10th Floor Stamford, CT 06901-2682			ART UNIT	PAPER NUMBER
2131				
DATE MAILED: 08/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/665,524	LE PENNEC ET AL.
	Examiner Michael R Vaughan	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 September 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Detailed Office Action

Claims 1-16 have been fully reconsidered and are pending.

Response to Amendment

The amendment to claims 9-12 have overcome the previous 35 USC §112 rejection.

Response to Arguments

Applicant's arguments filed 6-21-04 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Parthasarathy neither teaches nor suggests the fact that a digital certificate can include more than just a file signature", page 10 and "plurality of field in addition to the file signature", page 11) are not recited in the rejected claim(s). Applicant appears to argue alleged differences between the specification of the immediate application and that of the references prior art instead of pointing out differences in the claimed invention and that of the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to the argument (page 11) that Parthasarathy does not teach that the certificate is a virus-free certificate; the Examiner respectfully disagrees. Applicant says that he cannot find in the references passage, col. 8, lines 35-47, the teaching of a virus-free certificate. The examiner has interpreted this teaching from Parthasarathy as a virus-free certificate:

“The code verification module 62 checks a digital signature in a digital certificate included in the downloaded software component to ensure the downloaded software component is safe (e.g., computer virus and corruption free) on the local computer 34.”

The reference passage clear states that a digital certificate ensure that a software component is virus free.

With respect to the argument on page 11, whereby Applicant states there is a lack of *prima facie* obvious to modify the teaching of Ramasubramani to send back the virus-free certificate; the Examiner respectfully disagrees. The case for obvious is found in the Ramasubramani references itself. Ramasubramani teaches explicitly in col. 8, lines 2-6 that the use of proxy servers is beneficial to storing the digital certificates locally. As one of ordinary skill in the art knows, messages are sent to and through proxy servers and the return messages come back and through the proxy server. In Ramasubramani’s system, the proxy server handles the digital certificates, which includes storage because the thin clients do not possess the necessary computing power to process them. Ramasubramani teaches that the conventional manner of requesting/receiving certificates includes sending the certificate back to the

client because the client has the processing capability to handle the certificate. Because Ramasubramani teaches both sending the conventional manner and a method for storing certificates at a proxy server, it would have been obvious to one of ordinary skill in the art to use whichever method best suited the system of interest. The fact that Ramasubramani system is embodied to use the proxy server does not discount the teaching and obviousness of the conventional method of requesting digital certificates. Ramasubramani further teaches that is it well known in the art the procedure to request certificates over HTML (col. 8, lines 65—col. 9, line 2). This is further evidence to support that the conventional method is well known in the art. More importantly in col. 9, lines 2-7, Ramasubramani clearly suggest the proxy server can be tailored to the explicit needs of the client. This is further motivation to suggest sending a currently issued certificate back to the client so that the client may use it in a communication (conventional certificate protocol) session while still allowing the proxy to store all certificates associated with the client because the may have limited resources. The language of the claim only discloses sending back the received virus-free certificate. One could interpret the broadness of that scope in more than one context. In any account, Examiner finds proper motivation in the Ramasubramani to explicitly modify the teachings and render obvious, sending the certificate back to one of ordinary skill in the art.

In summary, Examiner maintains all previous 35 USC § 103 rejection over claims 1-16. Please note prior office action filed 3-18-04 for the specifics of the rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Vaughan
Examiner
Art Unit 2131

MV

E. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
Aju 2136